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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :

LUC SCHRIVE ET AL. :EXAMINER: SAVAGE, MATTHEW O.

SERIAL NO: 10/517,775 :

FILED: DECEMBER 27, 2004 :GROUP ART UNIT: 1724

FOR: EFFLUENT TREATMENT COMBINING SOLID/LIQUID SEPARATION AND PULSED ELECTRIC FIELDS

RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

SIR:

In response to the Restriction Requirement dated November 7, 2005, Applicants provisionally elect with traverse Group II corresponding to Claims 21-26. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Concerning the election species requested in the Restriction Requirement, Applicants provisionally elect species (1) E2 as readable on Claim 22 of Group II, (2) species S1 as readable on Claims 23 and 24 of Group II, and (3) species W2 readable on Claim 20 of Group II.

Concerning these elections, Applicants respectfully traverse the Restriction Requirement and the Election of Species Requirement on the grounds that the present application is a 371 of PCT/FR03/02055 and as such is subject to the unity of invention and not restriction practice. MPEP § 1893.03(d) states that examiners are reminded that unity of

invention (not restriction practice) is applicable in international applications and in national stage applications submitted under 35 U.S.C. § 371.

Further, as noted in MPEP § 1893.03(d):

> When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

No such explanation of why each group lacks unity with each other group has been made. Rather, only a blanket assertion that the independent Claims 14 and 21 fail to provide a contribution over the prior art is made.

Furthermore, the identification in the Restriction Requirement of generic claims would seem to preclude, under the unity of invention standard, the division of the claims into separate groups since independent Claims 14 and 21 have been found to be generic. Accordingly, Applicants respectfully request that the present Restriction and Election of Species Requirement be withdrawn and that a full examination on the merits of Claims 14-26 be conducted.

Respectfully submitted,

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